GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Sri R. Prabhakara Rao, former Tahsildar, Bheemunipatnam Mandal, Visakhapatnam District, Dy. Collector (Retd.) Departmental proceedings under rule 20 of the AP Civil Services (Classification, Control and Appeal) Rules, 1991- Article of charges issued – Explanation submitted - OA.No. 2457/2016 filed in the APAT, Hyderabad- Further action dropped – Orders issued.

G.O.RT.No. 1185 **Dated: 26-12-2016**

Read the following:

1. From the Dist. Collector, Visakhapatnam, Lr. Rc. NO. 2185/2014/A1, Dt. 25.12.2014.
2. From the Spl. CS & CCLA. AP. Lr. No. VSI(1)/726/2014, Dt. 08.01.2015.
3. GO. Rt. No. 514, Revenue (Vig.I) Dept., Dt. 03.06.2015.
4. GO. Ms. No.201, Revenue (Vig.I) Dept., Dt. 03.06.2015.
5. GO.Rt. No. 517, Revenue (Vig.I) Dept., Dt. 03.06.2015.
6. From Sri R. Prabhakara Rao, former Tahsildar, Bheemunipatnam Mandal, Visakhapatnam District, Dy. Collector (Retd.), WSD., Dt. 08.09.2015.
7. GO. Rt. No. 379, Rev.(Vig. I) Dept., Dt. 01.04.2016.
8. Orders of the Hon'ble APAT., Hyderabad, Dt. 10.08.2016 in OA. No. 2457/2016.

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ORDER

It has been brought to the notice of the Government that, the Tahsildars, Bheemunipatnam Mandal, Visakhapatnam District who worked during the period from 2000-2011 have not pursued the Hon'ble High Court case in WP.No. 11156/2000 filed by Smt. K. Ramalakshmi, W/o. Satyanarayana at any level and never filed counters at relevant period of time. In the references 1st and 2nd read above, the District Collector, Visakhapatnam and the Special Chief Secretary & Chief Commissioner of Land Administration, AP., have requested the Government to initiate disciplinary action against (1) Sri D. Peddi Raju, former Tahsildar, Bhemunipatnam, Visakhapatnam (2) Smt. K. Sumathi Bai, former Tahsildar, Bheemunipatnam (3) Sri D. Dharma Chandra Reddy, former Tahsildar, Bheemunipatnam (4) Sri M. Venkateswara Rao, former Tahsildar, Bheemunipatnam and (5) Sri R. Prabhakara Rao, former Tahsildar, Bheemunipatnam (Retd.), for the above act.

2. Based on the reports of the District Collector, Visakhapatnam and Special Chief Secretary & Chief Commissioner of Land Administration, AP., and keeping in view of the directions of the Hon'ble High Court of Judicature at Hyderabad, orders were issued sanctioning initiation of disciplinary action in common proceedings against (1) Sri D. Peddi Raju, former Tahsildar, Bhemunipatnam, Visakhapatnam (2) Smt. K. Sumathi Bai, former Tahsildar, Bheemunipatnam (3) Sri D. Dharma Chandra Reddy, former Tahsildar, Bheemunipatnam (4) Sri M. Venkateswara Rao, former Tahsildar, Bheemunipatnam and (5) Sri R. Prabhakara Rao, former Tahsildar, Bheemunipatnam (Retd.) under Rule 24 APCS(CC&A) Rules, 1991, vide reference 3rd read above.

3. In the reference 4th read above, the Government, under sub-clause(i) of clause (b) of sub-rule (2) of rule 9 of AP. Revised Pension Rules 1980, instituted the departmental proceedings against Sri R. Prabhakara Rao, former Tahsildar, Bheemunipatnam Mandal, Visakhapatnam District (Retd.). The Article of Charges were framed against Sri R. Prabhakara Rao, former Tahsildar, Bheemunipatnam Mandal, Visakhapatnam District (Retd.), vide reference 5th read above, calling for his written statement of defence. The Charged Officer submitted his written statement of defence, vide reference 6th read above, denying the charges framed against him and requested the Government to exonerate him of the charges framed against him. After examination of the WSDs submitted by the Charged Officers, Govt. have decided to conduct regular enquiry by appointing the Joint Collector, Visakhapatnam as Inquiring Authority to enquire into the charges framed against the (5) Charged Officers. Accordingly, orders were issued vide reference 7th read above.

(contd. P.2)

4. Aggrieved by the orders issued in GO. Ms. No.201, Revenue (Vig.I) Dept., Dt. 03.06.2015 sanctioning to initiate disciplinary proceedings under rule 9 of APRP Rules and GO.Rt. No. 517, Revenue (Vig.I) Dept., Dt. 03.06.2015 contemplating disciplinary proceedings against the applicant framing the article of charges and consequently as appointing Inquiry officer vide GO. Rt. No. 379, Rev.(Vig. I) Dept., Dt. 01.04.2016, Sri R. Prabhakar Rao, Spl .Dy. Collector (Retired) has filed OA.No. 2457/2016, before the APAT, Hyderabad.

5. In the reference 8th read above, the Hon'ble APAT., while disposing the OA.No. 2457/2016 on 10.08.2016 have observed that "*though the Writ Petition was filed in the year 2000, the applicant worked as Tahsildar at the relevant place from 21.08.2006 to 31.05.2007. Thus, the alleged misconduct by the applicant was during the period from 21.08.2006 and 31.05.2007. For the said misconduct, the impugned charge memo was issued in the year 2015. It is contended for the applicant that the impugned charge memo is barred by limitation in view of Rule 9 (2) (b) (ii) of Andhra Pradesh Revised Pension Rules, 1980. As per the said provision, the departmental proceedings shall not be instituted after retirement of the Government servant in respect of "any event which took place more than four years before such institution". In the present charge memo, the event / misconduct alleged against the applicant took place during the year 2006-2007, which is nearly eight years prior to issuing of the said charge memo. Hence, the Original Application is allowed quashing the impugned charge memo in G.O.Rt.No.517, Revenue (Vigilance-I) Department, Dt:03.06.2015 and consequential G.O.Rt.No.379, Revenue (Vigilance-I) department, Dt:01.04.2016, appointing enquiry officer, in so far as they relate to the applicant herein are concerned".*

6. Government, after careful examination of the matter keeping in view of the orders of AP Administrative Tribunal, have decided to implement of the orders of the Hon'ble APAT., in OA.No. 2457 of 2016, Dt. 10.08.2016, duly dropping further action against Sri R. Prabhakara Rao, the then Tahsildar, Bheemunipatnam, Dy. Collector (retired from service on 31.07.2011), subject to recovery of loss if any caused to Government. Accordingly, further action is hereby dropped against Sri R. Prabhakara Rao, the then Tahsildar, Bheemunipatnam, Visakhapatnam District, Dy. Collector (retired from service on 31.07.2011), subject to recovery of loss if any caused to Government.

7. The Special Chief Secretary & Chief Commissioner of Land Administration, AP. Vijayawada/District Collector, Visakhapatnam shall take further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.C. SHARMA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri R. Prabhakara Rao, the then Tahsildar, Bheemunipatnam, Dy. Collector (retired)
AR Residency, FF3, D.No.45-2-45/10, Ramachandranagar,
Akkayyapalem, Visakhapatnam -530 016 (**through the Special Chief Secretary & Chief Commissioner of Land Administration, AP. Gollapudi, Vijayawada)**
The Special Chief Secretary & Chief Commissioner of Land Administration,
AP. Gollapudi, Vijayawada.
Copy to
The District Collector, Visakhapatnam.
The Inquiring Authority-cum-Joint Collector, Visakhapatnam.
The Presenting Officer-cum-District Revenue Officer, Visakhapatnam.
SC/SF.

// FORWARDED :: BY ORDER //

SECTION OFFICER